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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

In re:	) Case No. 08-35653 (KRH)
	)
CIRCUIT CITY STORES, INC., <u>et al.</u> ,	) Chapter 11
	)
Debtors.	) (Jointly Administered)
_____	)

**LIQUIDATING TRUSTEE'S MOTION TO  
TERMINATE EMPLOYMENT OF KURTZMAN CARSON  
CONSULTANTS LLC AS CLAIMS AND NOTICING AGENT**

Alfred H. Siegel, the duly appointed trustee (the "Trustee") of the Circuit City Stores, Inc. Liquidating Trust (the "Trust" and/or the "Liquidating Trust"), pursuant to the Second Amended Joint Plan of Liquidation of Circuit City Stores, Inc. and its Affiliated Debtors and Debtors in Possession and its Official Committee of Creditors Holding General Unsecured Claims (the "Plan"), hereby moves (the "Motion") to terminate the employment of Kurtzman Carson Consultants LLC ("KCC") as its official claims and noticing agent retained in the above-

captioned chapter 11 bankruptcy cases. In support of the Motion, the Trustee respectfully represents as follows:

### **JURISDICTION AND VENUE**

1. The Court has jurisdiction to consider the Motion under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157 (b). Venue of these cases and the Motion in this district is proper under 28 U.S.C. §§ 1408 and 1409.

2. The Predicates for the relief requested here are Bankruptcy Code section 105 (a) and Bankruptcy Rules 9006 and 9027.

### **BACKGROUND**

3. On November 10, 2008 (the “Petition Date”), the Debtors filed voluntary petitions in this Court for relief under chapter 11 of the Bankruptcy Code, and until the effective date of the Plan, continued to operate as debtors in possession pursuant to Bankruptcy Code § s 1107 and 1108.

4. On November 12, 2008, the Office of the United States Trustee for the Eastern District of Virginia appointed a statutory committee of unsecured creditors (the “Creditors’ Committee”).

5. On November 12, 2008, the Bankruptcy Court entered an Order Appointing Kurtzman Carson Consultants LLC as Claims and Noticing Agent, and (B) Approving the Form and Manner of Notice of Case Commencement [Doc. #108] (the “KCC Order”).

6. On January 16, 2009, the Court authorized the Debtors to, among other things, conduct going out of business sales at all of the Debtors’ retail locations (the “Stores”) pursuant to an agency agreement (the “Agency Agreement”) between the Debtors and a joint venture, as agent (the “Agent”). On January 17, 2009, the Agent commenced going out of business sales at the Stores pursuant to the Agency Agreement. As of March 8, 2009, the going out of business sales at the Debtors’ stores were completed.

7. On August 9, 2010, the Debtors and the Creditors' Committee filed the Plan, which provides for the liquidation of the Debtors' assets and distribution of the proceeds thereof under chapter 11 of the Bankruptcy Code.

8. The Plan provides for, among other things, the appointment of Alfred H. Siegel to serve as the Trustee of the Circuit City Stores, Inc. Liquidating Trust, as of the effective date.

9. On September 10, 2010, the United States Bankruptcy Court, Eastern District of Virginia, signed an Order confirming the Plan (the "Confirmation Order"). The Plan became effective on November 1, 2010.

10. Pursuant to the Plan and the Confirmation Order, the Liquidating Trustee succeeded to all of the rights and powers of a debtor-in-possession under sections 1107 and 1008 of the Bankruptcy Code as of the Effective Date and is now entrusted to administer the Liquidating Trust and its assets. Under the Plan and the Liquidating Trust, the Liquidating Trustee is deemed the representative of the Debtors as the party in interest in their chapter 11 cases, and is specifically authorized, empowered and directed to take all actions necessary to comply with the Plan and exercise and fulfill the duties and obligations thereunder.

11. Since its employment, KCC has provided a variety of services to the Debtors and the Liquidating Trustee as claims and noticing agent, as set forth in the KCC Order including, but not limited to: (i) preparing and serving required notices; (ii) maintaining copies of all proofs of claims and proofs of interest and all claims registers related thereto; (iii) maintaining a current mailing list for all entities entitled to notice of events; and (iv) maintaining a website from which anyone may download the claims register.

12. The Liquidating Trustee has determined that he can obtain the services provided by KCC at a lower cost from Process General, LLC and his staff (and concurrently with this Motion, the Liquidating Trustee has filed a Motion to Authorize Employment of Process

General, LLC as Noticing Agent and (B) Utilization of Circuit City Stores, Inc. Liquidating Trust to Provide Services of a Claims Agent).

13. On April 22, 2014, the Liquidating Trustee served KCC with a notice of termination of services as required pursuant to Section VI (A) of the KCC Agreement for Services (the “KCC Agreement”) which was approved pursuant to the KCC Order.

#### **RELIEF REQUESTED**

14. The Liquidating Trustee has determined that he no longer requires KCC’s services. Accordingly, by this Motion, the Trustee requests the entry of an order terminating KCC’s services as provided under the KCC Order. Simultaneously herewith, the Liquidating Trustee has filed a Motion to Authorize (A) Employment of Process General, LLC as Noticing Agent and (B) Utilization of Circuit City Stores, Inc. Liquidating Trust to Provide Services of a Claims Agent.

#### **NOTICE**

15. Notice of this Motion has been provided to the following parties: (i) Office of the United States Trustee; (ii) KCC; (iii) all parties signed up to receive notice on the Bankruptcy Court’s e-filing system; and (iv) Process General, LLC. The Trustee submits that, under the circumstances, no other further notice need be given.

#### **CONCLUSION**

16. WHEREFORE, the Trustee respectfully requests that the Court enter an order substantially in the form annexed hereto, granting the relief requested herein and such other relief as is just and proper.

Dated: Richmond, Virginia  
April 30, 2014

TAVENNER & BERAN, PLC

/s/ Paula S. Beran  
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In re:	) Case No. 08-35653 (KRH)
	)
CIRCUIT CITY STORES, INC., <u>et al.</u> ,	) Chapter 11
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Debtors.	) (Jointly Administered)
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**ORDER GRANTING LIQUIDATING TRUSTEE'S MOTION TO  
TERMINATE EMPLOYMENT OF KURTZMAN CARSON  
CONSULTANTS LLC AS CLAIMS AND NOTICING AGENT**

Upon the Liquidating Trustee's Motion to Terminate Employment of Kurtzman Carson Consultants LLC as Claims and Noticing Agent (the "Motion") and the Court having reviewed the Motion and the Court having determined that the relief requested in the Motion is in the best interests of the Trust, the Debtors, their estates, their creditors, and other parties in interest; and it appearing that proper and adequate notice of the Motion has been given and that no other or

further notice is necessary; and upon the record herein; and after due deliberation thereon; and good and sufficient cause appearing therefore,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

1. The Motion is GRANTED.
2. Capitalized terms not otherwise defined herein shall have the meanings given to them in the Motion.
3. The requirement under Local Bankruptcy Rule 9013-1 (G) to file a memorandum of law in connection with the Motion is hereby waived.
4. As of the date of this Order, the Trustee is authorized to terminate the retention of Kurtzman Carson Consultants, LLC (“KCC”) as the official claims, noticing and balloting agent in the above cases (the “Termination”). Further, KCC is directed to, and shall within thirty (30) days of Termination, transfer a copy of all proofs of claim, ballots and any other documents in KCC’s possession regarding the above cases, including an updated claims register and mailing list in both alphabetical and numerical order (collectively, the “Documents”), in an electronic format on compact disc to the Trust (the “Data Transfer”) at the following address -200 Westgate Pkwy, Suite 100, Richmond, VA 23233. Originals of the Data Transfer Documents shall be transferred to the Trust at the same address. Upon completion of the Data Transfer, KCC shall be no longer obligated to perform any services pursuant to the KCC Agreement and/or the KCC Order.
5. Adequate notice of the relief sought in the Motion has been given and no further notice is required.
6. The Court retains jurisdiction to hear and determine all matters arising from or related to the implementation or interpretation of this Order.

Dated: May \_\_, 2014  
Richmond, Virginia

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The Honorable Kevin R. Huennekens  
United States Bankruptcy Judge

**WE ASK FOR THIS:**

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*Co-Counsel for the Circuit City Stores, Inc.  
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**CERTIFICATION**

I hereby certify that the foregoing proposed Order has been either served on or endorsed by all necessary parties.

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